

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 17, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:00 A.M. on March 17, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS
PRESENT:

Patricia M. Selig, R.N., F.N.P., Ph.D, Chairperson
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Judith E. Piersall, R.N., B.S.N.
William Traynham, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director (joined later)
Amy Davis, Administrative Assistant
Donna Lee, Senior Discipline Specialist (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Suffolk Public Schools; Fortis College; and Medical Careers Institute

ESTABLISHMENT OF
A QUORUM:

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Janice M. Brinkley, C.N.A. Reinstatement Applicant 1401-098839
Ms. Brinkley appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:29 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Brinkley. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:48 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Piersall moved that the Board of Nursing deny the reinstatement application of Janice Brinkley to practice as a nurse aide in Virginia.

The motion was seconded and carried. Dr. Selig, Ms. Piersall, Mr. Horn and Mr. Traynham were in favor of the motion. Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:50 A.M.

RECONVENTION: The Board reconvened at 11:02 A.M.

FORMAL HEARINGS: **Angela R. Jones, L.P.N. Reinstatement Applicant 0002-073173**

Ms. Jones appeared.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Cecile Custer, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:54 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:03 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Piersall moved that the Board of Nursing deny the reinstatement application of Angela Jones to practice as a practical nurse in Virginia.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:05 P.M.

RECONVENTION:

The Board reconvened at 1:05 P.M.

Ms. Krohn and Ms. Davis left the meeting. Ms. Power and Ms. Lee joined the meeting.

FORMAL HEARINGS:

Rachel M. Kone, R.N. 0001-172214

Ms. Kone appeared, represented by attorney, Andrea Sloan.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Michelle Crone, Senior Investigator, Department of Health Professions; and Gloria Collins, R.N., testified by telephone. Marjorie Diehl, R.N., L.N.P., Loudoun County Health Clinic; Catherine Corp, R.N.; and Linda Marie Brooks, R.N., were present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:12 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kone. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:50 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing place Rachel Kone on indefinite probation with terms for a period of not less than one year employment as a registered nurse.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:55 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director